

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CASE NO. 1-18CV-293-FDW

John Anthony Hill,
Plaintiff,
v.
Derrick Palmer, et al.,
Defendant.

**ANSWER TO AMENDED
COMPLAINT BY DERRICK
PALMER AND MARK
PATTERSON**

Defendants Sheriff Derrick Palmer and Mark Patterson answer the Plaintiff's Amended Complaint as follows:

I. Jurisdiction and Venue

1. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph.
2. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph.

II. Plaintiffs

3. Defendants admit the allegations in this paragraph.

III. Defendants

4. Defendants admit the allegations in this paragraph.

5. Defendants admit only that Patterson was formerly the Jail Administrator at the Detention Center. Except as admitted, Defendants deny the remainder of the allegations in this paragraph.

6. Defendants admit only that Bresch was formerly a lieutenant at the Detention Center. Except as admitted, Defendants deny the remainder of the allegations in this paragraph.

7. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph.

8. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph.

IV. Facts.

9. No response is necessary for this paragraph.

10. Defendants deny the allegations in this paragraph.

11. Defendants deny the allegations in this paragraph.

12. Defendants admit only that Plaintiff had a dental appointment. Except as so admitted, Defendants deny the remainder of the allegations in this paragraph.

13. Defendants admit only that Plaintiff was taken to Franklin, North Carolina for treatment. Except as so admitted, Defendants deny the remainder of the allegations in this paragraph.

14. Defendants deny the allegations in this paragraph.

15. Defendants deny the allegations in this paragraph.
16. Defendants deny the allegations in this paragraph.
17. Defendants deny the allegations in this paragraph.
18. Defendants deny the allegations in this paragraph.
19. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph.
20. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph.
21. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph.
22. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph.
23. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph.
24. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph.
25. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph.
26. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph.

27. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph.

28. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph.

29. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph.

30. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph.

31. Defendants admit only that Plaintiff sent letters to the county manager and county attorney. Except as so admitted, Defendants deny the remainder of the allegations in this paragraph.

32. Defendants admit the Plaintiff sent a letter to the county attorney but deny the remainder of the allegations in this paragraph.

33. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph.

34. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph.

35. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph.

36. Defendants admit only that the Plaintiff continues to write numerous individuals. Except as so admitted, Defendants deny the remainder of the allegations in this paragraph.

37. Defendants deny the allegations in this paragraph.

38. Defendants deny the allegations in this paragraph.

39. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph.

40. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph.

41. Defendants admit only that Sheriff Palmer is the keeper of the jail. Except as so admitted, Defendants deny the remainder of the allegations in this paragraph.

42. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph.

43. Defendants deny the allegations in this paragraph.

44. Defendants deny the allegations in this paragraph.

V. Exhaustion of Legal Remedies

43. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph.

VI. Legal Claim

Count I

44. No response is necessary for this paragraph.
45. Defendants deny the allegations in this paragraph.
46. Defendants deny the allegations in this paragraph.
47. Defendants deny the allegations in this paragraph.
48. Defendants deny the allegations in this paragraph.
49. Defendants deny the allegations in this paragraph.

Count II

50. No response is necessary for this paragraph.
51. Defendants deny the allegations in this paragraph.
52. Defendants deny the allegations in this paragraph.
53. Defendants deny the allegations in this paragraph..

Count III

54. No response is necessary for this paragraph.
55. Defendants deny the allegations in this paragraph.
56. Defendants deny the allegations in this paragraph.
57. Defendants deny the allegations in this paragraph.

Count IV

58. No response is necessary for this paragraph.
59. Defendants deny the allegations in this paragraph.

60. Defendants deny the allegations in this paragraph.
61. Defendants deny the allegations in this paragraph.

Count V

62. No response is necessary for this paragraph.
63. Defendants deny the allegations in this paragraph.
64. Defendants deny the allegations in this paragraph.

VII. Prayer for Relief

65. Defendants deny the allegations in this paragraph.
66. Defendants deny the allegations in this paragraph.
67. Defendants deny the allegations in this paragraph.
68. Defendants deny the allegations in this paragraph.

First Affirmative Defense

The Defendants are entitled to qualified immunity.

Second Affirmative Defense

The Complaint fails to state a claim upon which relief can be granted.

Third Affirmative Defense

The Plaintiff has failed to exhaust his administrative records under the Prison Litigation Reform Act.

WHEREFORE, the Defendants respectfully request that the Plaintiff take nothing by way of his Complaint, for trial by jury, and such other relief as the Court deems just and proper.

Respectfully submitted, this the 3rd day of April, 2019.

s/Sean F. Perrin

Sean F. Perrin

N.C. State Bar No. 22253

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Attorneys for Defendants

CERTIFICATE OF SERVICE

This is to certify that on April 3, 2019, the undersigned filed the foregoing in the above-captioned via the CM/ECF system, and mailed a copy to:

John Anthony Hill
Cherokee County Detention Center
577 Regal Street
Murphy, NC 28900

Jeremy Bresch
17 Dusty Lane
Murphy, NC 28906

Carrie Colwell
Head Nurse
Cherokee County Detention Center
577 Regal Street
Murphy, NC 28900

s/Sean F. Perrin